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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,193	12/13/2000	Germano Caronni	0007056-0116/P5600/RSN	6182
24209	7590	01/18/2006	EXAMINER	
GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	
DATE MAILED: 01/18/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/737,193	CARONNI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joy K. Conte	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 August 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground of rejection.

**Please note:** Examiner has maintained the prior art rejections using the argued Jonsson (5,093,833) reference. However, after careful consideration, Examiner has modified the prior art rejection with respect to the interpretation and cited portions of Jonsson towards the Applicant's claim language. Hence, clarification is made to the anticipatory rejection of the present claim language using Jonsson. Examiner further directs Applicant to the cited portions of Jonsson to provide support for the interpretation described below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,4,6-9,11-14,17,18,20,22-25 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson et al. (Jonsson), U.S. Patent No. 5,093,833.

Regarding claims 1 and 17, Jonsson discloses a method for device location sensitive data routing (and a device location sensitive data router) comprising:

detecting (and a detector) a signal at a location (reads on service node) wherein said signal (reads on location update control message returned by mobile phone or call setup message) emanates from a portable, electronic device (i.e., mobile phone) wherein said signal contains a user identifier wherein said user identifier identifies a user (i.e., reads on identification number and status of a registration device that is currently activated and registered with the mobile phone or user's personal telephone number) (col. 10,lines 40-51 and col. 11,lines 32-45);

transmitting to a routing device said user identifier and a list of one or more communications devices (e.g., reads on fixed telephones) wherein said communications devices are at said location (i.e., reads on within coverage area of registration device) (col. 11,lines 40-45);

and rerouting one or more electronic communications (i.e., reads on voice call and data, see col. 4,lines 30-34) to said communications devices wherein said electronic communications are intended for said user (col. 11, lines 43-60).

Regarding claims 2 and 18, Jonsson discloses the method of claims 1 and 17,respectively,wherein said step of transmitting comprises: transmitting via a phone system (i.e., reads on PSTN) (col. 11,lines 35-38).

Regarding claims 4 and 20, Jonsson discloses the method of claims 1 and 17, respectively, wherein said portable, electronic device is a cellular phone (i.e., reads on GSM or AMPS and D-AMPS or PCS) (col. 4,lines 18-29).

Regarding claims 6 and 22, Jonsson discloses the method of claims 1 and 17, respectively, wherein said signal is a radio signal (col. 4,lines 18-29).

Regarding claims 7 and 23, Jonsson discloses the method of claims 1 and 23, respectively, wherein said signal is an infrared signal (col. 4,lines 53-57).

Regarding claims 8 and 24, Jonsson discloses the method of claim 1 wherein said signal emanates via a connection line (i.e., reads on service control module) wherein said connection line couples said portable, electronic device (mobile) and {a} sensor (i.e., reads on infrared light) (col. 4,lines 53-57).

Regarding claims 9 and 25, Jonsson discloses the method of claims 1 and 17, respectively, wherein said electronic communications are phone calls (i.e., voice)(col. 4,lines 30-34).

Regarding claims 11 and 27, Jonsson discloses the method of claims 1 and 17, respectively, further comprising: coupling a cellular phone to a non-wireless phone line (i.e., wire-line or fixed) (col. 4,lines 1-12).

Regarding claims 12 and 28, Jonsson discloses the method of claims 1 and 17, respectively, further comprising: configuring said routing device to perform an action (i.e., route call), if a condition is met (i.e., reads on mobile is registered with registration device) (col. 11,lines 40-60).

Regarding claims 13 and 29, Jonsson discloses the method of claim 12 wherein said condition is {when} said user first appears at said location (i.e., reads on registers with registration device) (col. 11,lines 35-52).

Regarding claims 14 and 30, Jonsson discloses the method of claim 12 wherein said condition is said user leaves said location (i.e., reads on mobile moving to a new place) (col. 11,lines 27-31).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,5,10,15-16,19,21,26,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson, in view of Waites, U.S. Patent No. 6,788,769.

Regarding claims 3,5,10,15,16,19,21,26,31 and 32, Jonsson discloses the method (and router) of claims 1 and 17, respectively, but fails to show wherein said step of transmitting comprises: transmitting email messages, wherein the portable is a PDA or updating a web page.

In a similar field of endeavor, Waites discloses a mobile transmitting an transmitting via e-mail (col. 7,lines 10-65); wherein said portable, electronic device is a

PDA (col. 11,lines 12-24); wherein said action is updating a web page (col. 13,lines 17-46); and wherein said action is ending an email (col. 11,lines 12-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Jonsson's method and apparatus of routing calls to include an PDA, email and web page updating capabilities for the purpose of allowing the user to transmit data to other users or access data on the Internet as taught by Waites.

6. Claims 33,34,36,38,39,40,41,43,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson, in view of Harter et al., "*A Distributed Location System for the Active Office*".

Regarding claims 33,34,36,38,39,40,41,43,45 and 46, Jonsson discloses the limitations just as in corresponding method and apparatus claims 1,2,4,6-9,11-14,17,18,20,22-25 and 27-30, applied above, except for specifically teaching, a computer program product comprising computer usable medium having computer readable program code embodied therein and configured to route data.

In a similar field of endeavor, Harter et al., discloses a distributed location system wherein fixed and wireless receivers are combined in a manner similar to Jonsson but within an "active office". Further, Harter et al., clearly teaches that location technology involves distributed software (i.e., reads on computer usable medium and computer readable program) throughout the local area.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Jonsson to include distributed software for the purpose of providing

control to the service node and service control module, to implement the routing of calls using intelligent technology.

7. Claims 35,37,42,47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson as modified by Harter et al., in further view of Waites.

Regarding claims 35,37,42,47 and 48, Jonsson as modified by Harter et al., discloses the method of claim 33. Since Jonsson and Harter et al., do not disclose the limitations in dependent claims 35,37,42,47 and 48, Examiner has added the Waites reference, applied just as above with respect to claims 3,5,10,15-16,19,21,26 and 30-32.

In a similar field of endeavor, Waites discloses a mobile transmitting an transmitting via e-mail (col. 7,lines 10-65); wherein said portable, electronic device is a PDA (col. 11,lines 12-24); wherein said action is updating a web page (col. 13,lines 17-46); and wherein said action is ending an email (col. 11,lines 12-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Jonsson as modified by Harter et al., method and apparatus of routing calls to include an PDA, email and web page updating capabilities for the purpose of allowing the user to transmit data to other users or access data on the Internet as taught by Waites.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is

571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

  
J.W. K. CONTEE  
PATENT EXAMINER